



02-05-04 Image 1645

|  |                                 |   |  |
|--|---------------------------------|---|--|
| AMENDMENT TRANSMITTAL<br>LETTER                                      |                                 | CLIENT-MATTER NO.:<br>66872-017 (P-AR 4803) |  |
| SERIAL NO:<br>09/942,024   | FILING DATE:<br>August 28, 2001 | EXAMINER:<br>K. Shahnan Shah                | GROUP ART UNIT:<br>1645<br>CONFIRMATION NO.:<br>7269 |
| INVENTION: FRET PROTEASE ASSAYS FOR BOTULINUM SEROTYPE A/E<br>TOXINS |                                 |   |  |

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 552 035 US

DATE OF DEPOSIT: February 3, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS  
ADDRESSED TO MAIL STOP PATENT APPLICATION, COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Leand Bontedes  
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

[Signature]  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith is a Response to the outstanding  
Notice of Non-Compliant Amendment mailed January 14, 2004, in  
the above-identified application.

\_\_\_ Small Entity status of this application has been  
established under 37 CFR 1.27.

\_\_\_ Request for an extension of time  
(in duplicate).

X No additional claims fee is required.

\_\_\_ An additional claims fee is required and has been  
calculated as shown below:

CLAIMS AS AMENDED

|  | NUMBER<br>AFTER<br>AMEND-<br>MENT |   | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR |   | NUMBER OF<br>EXTRA<br>CLAIMS<br>PRESENTED |   | RATE                    |                 |   | FEE             |                 |
|--|-----------------------------------|---|---|---|---|---|-------------------------|-----------------|---|-----------------|-----------------|
|  |                                   |   |   |   |   |   | SMALL<br>ENTITY         | OTHER<br>ENTITY |   | SMALL<br>ENTITY | OTHER<br>ENTITY |
| TOTAL<br>CLAIMS                                      | 19                                | - | 72  | - | 0   | x | \$9                     | \$18            | = | \$              | \$              |
| INDEPEN-<br>DENT<br>CLAIMS                           | 1                                 | - | 3   | - | 0   | x | \$42                    | \$84            | = | \$              | \$              |
| FIRST PRESENTATION<br>OF MULTIPLE<br>DEPENDENT CLAIM |                                   |   | _____ YES                                   |   | _____ X NO                                |   | \$140                   | \$280           | = | \$              | \$              |
|  |                                   |   |   |   |   |   | TOTAL ADDITIONAL<br>FEE |                 |   | \$0             | \$              |

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20"  
in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3"  
in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST  
NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.

Inventor: Steward et al.  
Serial No.: 09/942,024  
Filed: August 28, 2001  
**Page 2**

— Please charge my Deposit Account No. 502624 the amount of \$0.00 which covers the fee for an extension of time. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 502624. A duplicate copy of this sheet is enclosed.

X The Commissioner is hereby authorized to charge to Deposit Account No. 502624 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

February 3, 2004

Date

McDERMOTT, WILL & EMERY  
4370 La Jolla Village Drive,  
Suite 700  
San Diego, California 92122

Andrea L. Gashler

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PATENT

Client-Matter No.: 66872-017  
(P-AR 4803)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Confirmation No: 7269  
Steward et al. )  
) Group Art Unit: 1645  
Serial No.: 09/942,024 )  
) Examiner: K. Shahnan Shah  
Filed: August 28, 2001 )  
)  
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)  
) Lead Bantados  
) (TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR  
) FEE)  
) [Signature]  
) (SIGNATURE OF PERSON MAILING PAPER OR FEE)  
)  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Responsive to the Notice of Non-Compliant Amendment  
mailed January 14, 2004, entry of the following Claim Amendments  
is respectfully requested.